
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

GUY M. DOMAI,

Plaintiff,

v.

AMERICAN EXPRESS, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR CONTINUANCE

Case No. 2:13-CV-567 TS

District Judge Ted Stewart

This matter is before the Court on Plaintiff's Motion for Continuance. For the reasons discussed below, the Court will grant the Motion.

I. BACKGROUND

Plaintiff filed his Complaint in this matter on June 26, 2013, and filed an Amended Complaint on September 27, 2013. Defendant American Express filed its Answer on October 30, 2013. On December 27, 2013, the Court established a Scheduling Order. Relevant to this Motion, the Court provided a deadline of March 11, 2014, for Plaintiff to file a motion to amend his Amended Complaint.

On March 6, 2014, before the deadline to file a motion to amend had passed, Plaintiff filed the instant Motion. Plaintiff requests an extension of time to submit his motion to amend, arguing that he has been seriously ill and has been receiving treatment. Defendant objects to Plaintiff's Motion.

II. DISCUSSION

Federal Rule of Civil Procedure 6(b)(1)(A) provides that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time . . . with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.” In this case, the Court finds that Plaintiff has demonstrated good cause. Plaintiff represents that he has been seriously ill and has been receiving treatment. As a result, Plaintiff requests additional time to file a motion to amend.

Defendant objects to Plaintiff’s Motion, arguing that Plaintiff has failed to meet the requirements of Federal Rule of Civil Procedure 15(a). While this is true, the Court does not construe Plaintiff’s current Motion as seeking leave to amend. Rather, Plaintiff is only seeking an extension of the time by which he must file a motion to amend. The Court will grant that request, but by doing so the Court is not ruling on Plaintiff’s ultimate ability to file an amended complaint. The Court is merely extending the time for Plaintiff to file a motion to amend. Should Plaintiff choose to file such a motion, Plaintiff must comply with the requirements of Federal Rule of Civil Procedure 15(a) and DUCivR 15-1. The Court will then have to consider whether Plaintiff has met the requirements of those rules.

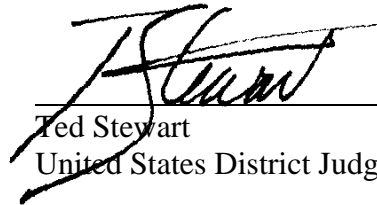
III. CONCLUSION

It is therefore

ORDERED that Plaintiff’s Motion for Continuance (Docket No. 27) is GRANTED. The deadline for Plaintiff to file a motion to amend his Amended Complaint is continued to May 2, 2014. All other deadlines in the Court’s Scheduling Order (Docket No. 23) remain unchanged.

DATED this 16th day of April, 2014.

BY THE COURT:



Ted Stewart
United States District Judge